HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

Writ Petition No.8353 of 2007

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Between:

Namala Venkata Subba Rao …Petitioner

And

Municipal Corporation of Kakinada,
represented by its Commissioner,
East Godavari District and three others. ….Respondents.

:: O R D E R ::

Counsel for the petitioner : Sri V. Sudhakara Reddy

20th April, 2007

Per G.S. SINGHVI, C.J.

In this petition, the petitioner has prayed for restraining respondent Nos.1 and 2 from granting building permission to respondent Nos.3 and 4 and also to stop the alleged illegal construction being raised by the latter in the premises of D.No.54-6-14/1, Jaganathapuram, V.M. Junction, Kakinada.

In the affidavit filed by him, petitioner – Namala Venkata Subba Rao has averred as under:

i) that he and his two brothers are the owners of premises bearing D.No. 54-6-14 situated at Jagannathapuram, V.M. Junction, Kakinada;

ii) that respondent Nos.3 and 4 purchased the adjacent premises in March 2007;

iii) that immediately after purchasing the property, respondent Nos.3 and 4 started digging the land for constructing multi-storeyed commercial building; and

iv) that by taking advantage of their status as children of Smt.A. Veera Raghavamma, Mayor of Rajahmundry Municipal Corporation, respondent Nos.3 and 4 have started construction without obtaining building permission from the competent authority and despite repeated representations, respondent Nos.1 and 2 have not taken any action for stopping the illegal constructions.

We have heard Sri V. Sudhakara Reddy, learned counsel for the petitioner. In our opinion, the writ petition is liable to be dismissed on the short ground that the petitioner has failed to substantiate the allegation that respondent Nos.3 and 4 are raising illegal construction in premises bearing D.No.54-6-14/1. The averments contained in the affidavit of the petitioner and the contents of representation dated 26-3-2007 are not supported by any contemporaneous evidence to show that respondent Nos.3 and 4 are constructing the building and that they are doing so without getting building plan sanctioned from the competent authority of the Municipal Corporation. Therefore, we do not find any valid ground or justification to entertain the prayer made in the writ petition.

With the above observations, the writ petition is dismissed. However, liberty is given to the petitioner to approach the competent authority specified under the Right to Information Act, 2005 for supplying information regarding the building permission, if any granted

to respondent Nos.3 and 4 and then avail appropriate legal remedy in regard to the violation of the sanctioned plan or any other provision of the Andhra Pradesh Municipal Corporations Act, 1994 and the rules framed thereunder.

As a sequel to dismissal of the writ petition, WPMP.No.10711 of 2007 filed by the petitioner for interim relief is disposed of as infructuous.

G.S.SINGHVI, C.J.

20th April, 2007

C.V.NAGARJUNA REDDY, J.

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